

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSCASE NO. CR04-10065United States of America
PLAINTIFFClarence Earle
DEFENDANTSeth BermanCharles RankinCOUNSEL FOR PLAINTIFFCOUNSEL FOR DEFENDANTJUDGE WolfCLERK O'LearyREPORTER RomanowCLERK'S NOTES

DATES:	Jury Trial - Day 2
11/8/05	Court goes over preliminary matters with the parties, including the preliminary jury instructions.
	Court addresses the defendant's motion to suppress and to dismiss that was filed electronically this morning and gives the parties its tentative views. Defense counsel alerts the court that he intends to question witnesses concerning the issues raised in his motion. Jury brought in. Court gives its preliminary instructions.
	Government gives its opening statement. Defendant forgoes his right to make an opening statement at this time.
	Government calls Joann Sassone - witness takes the stand and is sworn. Warrant of deportation dated 8/6/90 as to Clarence Earle marked as exhibit 1 and admitted into evidence. Notice of Intent to Reinstate Prior Order dated 3/29/01 marked as exhibit 2 and admitted into evidence. Warrant of Removal/Deportation for Clarence Earle date 8/21/01 marked as exhibit 3 and admitted into evidence. Exhibit C marked as exhibit 4 and admitted into evidence. Order to show cause/notice of hearing and warrant dated 1/25/90 marked as exhibit 5 and admitted into evidence. Order of voluntary deportation marked as exhibit D for id only. Transcript of deportation hearing dated 2/12/90 marked as exhibit E for id only. Affidavit of Clarence Earle dated 1/25/90 marked as exhibit 6 and admitted into evidence. Exhibit A2 marked as exhibit 7 and admitted into evidence. Exhibit B2 marked as exhibit 8 and admitted into evidence. FBI fingerprint card dated 2/13/04 marked as exhibit 9 and admitted into evidence. Notice of Intent to Reinstate Prior Order dated 2/12/04 marked as exhibit 10 and admitted into evidence. Flight itinerary dated 12/28/90 marked as exhibit 11 and admitted into evidence. Record of persons and property transferred dated 1/3/91 marked as exhibit 12 and admitted into evidence. Certificate of Nonexistence of Record dated 2/24/04 marked as exhibit 13 and admitted into evidence. Court excuses the jury for the day. Briefs on exhibits D & E due by 12:00 on 11/9.
	Government to respond to motion to dismiss by 12:00 on 11/11.